IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 23RD NOVEMBER 2007 / 2ND AGRAHAYANA 1929

OP.No. 18492 of 2002(B)

PETITIONER:

SAJEEVAN THOMAS S/O.THOMAS,
KALARICKAL HOUSE,POOVANTHURUTHU P.O.,KOTTAYAM

BY ADV. SRI.JAMES KURIAN

RESPONDENTS:
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1. **STATE OF KERALA,REPRESENTED BY THE CHIEF SECRETARY,SECRETARIAT,THIRUVANANTHAPURAM.**
2. **DEPUTY LABOUR COMMISSIONER (AUTHORITY UNDER MINIMUM WAGES ACT) VELLAPPALLY LANE,KOTTAYAM.**
3. **ASSISTANT LABOUR OFFICER,PUTHUPPALLY, KOTTAYAM.**
4. **MARIAMMA P.V.,AGED 38 YEARS, W/O.BABU JOHN,MATHANAM,MOOLAVATTAM P.O., KOTTAYAM.**
5. **SUDHA,AGED 38 YEARS W/O.SOMAN, PATHINONNILPUTHENPURA,KILIROOR P.O.,KOTTAYAM.**
6. **SANTHAMMA, AGED 44 YEARS,W/O.KUTTAPPAN, KIZHAKKEPARAMBIL,PAKKIL P.O.,KOTTAYAM.**

BY GOVERNMENT PLEADER MUHAMMED PUZHAKKARA.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 23/11/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P. NO. 31492/2002 IN O.P. NO. 18492/2002-B

DISMISSED

23/11/2007. **SD/- KURIAN JOSEPH, JUDGE.**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE NOTICE DTD. ISSUED BY THE R.3.

EXT.P.2: COPY OF THE INSPECTION ORDER DTD. 15/02/2000 ISSUED BY THE R.3.

EXT.P.3: COPY OF THE APPLICATION NO. 18/2000 FILED BEFORE THE R.2. BY THE R.3.

EXT.P.4: COPY OF THE OBJECTION STATEMENT FILED BY THE PETITIONER BEFORE THE R.2.

EXT.P.5: COPY OF THE PRILIMINARY ORDER PASSED BY THE R.2. IN MWA. 18/2000 DT. 1/04/2002.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

O.P. NO. 18492 OF 2002

Dated this the 23rd day of November, 2007.

J U D G M E N T

Exhibit P5 order passed by the 2nd respondent authority under Minimum Wages Act is under challenge. It is a preliminary order regarding the maintainability of the proceedings under the Minimum Wages Act. Since it is a preliminary order, it is made clear that it will be open to the petitioner, if aggrieved to challenge the final order incorporating the contentions taken herein also, in which case the affected parties will also get an opportunity to contest the matter. Accordingly, this writ petition is disposed of directing the 2nd respondent to pass final orders in the matter with notice to the affected workmen also, within a period of three months from the date of production of a copy of this judgment. It is also made clear that in that view of the matter all the questions of law are left open.

KURIAN JOSEPH, JUDGE.

smp

KURIAN JOSEPH, J.

O.P. NO. 18492 OF 2002

J U D G M E N T

23.11.2007